

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

LIBERTARIAN PARTY OF SOUTH  
DAKOTA, et al.,

Plaintiffs,

**V.**

SHANTEL KREBS, et al.,

Defendants.

Civ. No. 4:15-4111-KES

## PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs hereby respectfully move this Honorable Court for Summary Judgment pursuant to Rule 56(a), F. R. Civ. P. on the grounds that SDCL §§ 12-5-1 and 12-5-21 violate Plaintiffs' First and Fourteenth Amendment rights. The evidence shows that there is no genuine dispute as to any material fact and that the movants are entitled to judgment as a matter of law for reasons set forth in an accompanying brief.

Respectfully submitted this 27th day of July, 2017.

/s/ M. Laughlin McDonald  
ACLU Foundation  
2700 International Tower  
229 Peachtree Street, NE  
Atlanta, GA 30303  
T/404-500-1235  
F/404-565-2886  
Lmcdonald@aclu.org

/s/ Stephen L. Pevar  
ACLU Foundation  
765 Asylum Avenue  
Hartford, CT 06105  
T/860-570-9830  
F/860-570-9840  
spevar@aclu.org

/s/ Brendan V. Johnson  
Robins Kaplan, LLP  
101 S. Main Street, Suite 100  
Sioux Falls, South Dakota 57104  
T/605-335-1300  
F/612/339-4181  
Bjohnson@robinskaplan.com

Attorneys for Plaintiffs

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2016, I electronically filed the foregoing Motion with the Clerk of Court using the CM/ECF system which sent a notice of electronic filing to the following persons:

Steven Blair	steven.blair@state.sd.us
Matthew Naasz	matthew.naasz@state.sd.us
Ann Mines-Bailey	ann.mines-bailey@state.sd.us

/s/ Stephen L. Pevar  
Stephen L. Pevar